

Exhibit UU

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

----- X

THE CITY OF NEW YORK,

Plaintiff,

v.

ENVIROMD GROUP LLC; GT IMPORTS; KAYLA
WHOLESALE, INC., d/b/a The Vapery; KLCC
WHOLESALE INC.; MV TRADING LLC a/k/a
MYVAPORSTORE; PIONEER DISTRIBUTION, INC. a/k/a
WEVAPEUSA.COM a/k/a SELLER SUPREME LLC; RZ
SMOKE INC.; STAR ZONE INC.; URBAN SMOKE
DISTRIBUTORS; VAPE MORE INC. a/k/a MORE LLC;
VAPE PLUS DISTRIBUTION CORP. a/k/a G&A
DISTRIBUTION,

Defendants.

----- X

**AFFIRMATION OF
VINCENT J. LESNAK IN
SUPPORT OF
PLAINTIFF’S MOTION
FOR A PRELIMINARY
INJUNCTION**

Index No. 451009/2024

I, **VINCENT LESNAK**, hereby affirm, pursuant to Rule 2106 of the New York Civil Practice Law and Rules (hereinafter “CPLR”), under the penalties of perjury of the laws of New York, which may include a fine or imprisonment, that the following is true, and I understand that this document may be filed in an action or proceeding in a court of law:

1. I am the Chief Executive Officer (“CEO”) of Cross Border Solutions, LLC (“Cross Border”), which provides information and data collection services concerning the tobacco industry.
2. I make this affidavit in support of the City’s motion for a preliminary injunction against Kayla Wholesale, Inc. and Pioneer Distribution, Inc.

www.newyorkvapeking.com

3. On March 11, 2024, I placed an order through the www.newyorkvapeking.com website for a Watermelon Candy flavored Puff Bar XXL 1600 to be shipped to an address in Brooklyn, New York, for a total purchase price of \$17.63: \$10.99 for the device, \$6.64 for shipping, and \$1.42 in taxes.

4. Shortly after placing the order, I received an email from “NYVK Wholesale” “confirming the purchase of a watermelon candy Puff XXL 1600 e-cigarette.”

5. On or about March 15, 2024, the watermelon candy Puff XXL 1600 e-cigarette order was delivered by the United States Postal Service (“USPS”) addressed to me at the residential address in Brooklyn, New York to which I had directed delivery. The package contained two Puff XXL devices, although only one had been ordered. The return address on the package was NYVK Wholesale, 132 32nd Street, Brooklyn, New York, 11232. The package was not affixed with a statement that it contained vapor products. The package was left in the mailbox – no adult signature was obtained upon delivery from the person receiving the package, as required by federal law.

6. Annexed hereto as **Exhibit A** is a true and correct copy of documents related to this purchase, including a photo taken of the package received on March 15, 2024 from NYVK Wholesale.

7. On or about March 15, 2024, I placed a second order through www.newyorkvapeking.com for a Crisp Apple STIG disposable e-cigarette in a 3-pack to be shipped to an address in Brooklyn, New York, for a total purchase price of \$26.63: \$19.99 for the device and \$6.64 for shipping. Tax was not charged.

8. On or about March 23, 2024, the Crisp Apple “STIG” brand e-cigarette ordered was delivered by USPS addressed to me at the residential address in Brooklyn, New York to which

I had designated for delivery. The return address on the package was NYVK Wholesale, 132 32nd Street, Brooklyn, New York 11232. The package was not affixed with a statement that it contained vapor products. The package was left in the mailbox – no adult signature was obtained upon delivery from the person receiving the package, as required by federal law.

9. Annexed hereto as **Exhibit B** is a true and correct copy of documents related to this purchase, including a photo taken of the package received on March 23, 2024 from NYVK Wholesale.

10. The name of the person to whom these vapor products was caused to be delivered by Kayla Wholesale a/k/a NYVK Wholesale does not appear on a list of licensed or registered agents of vapor product dealers published by the Department of Taxation and Finance, nor is that person licensed or registered as an agent or dealer under article twenty eight-C of the tax law.

www.wevapeusa.com

11. On or about March 11, 2024, I accessed the website address www.wevapeusa.com and purchased a Pacific Cooler flavor Air Bar Mini, 2000 puff e-cigarette for delivery to a Brooklyn, New York address. The total purchase price was \$26.11, paid by credit card: \$7.99 for the device, \$15.99 for shipping and \$2.13 in tax.

12. On March 19, 2024, a package addressed to me was delivered to the residential address in Brooklyn, New York to which I had designated for delivery. The package contained the Air Bar product ordered. The package was not labelled to indicate that it contained vapor products.

13. The package was delivered by United Parcel Service, with a return address of Marcus Bernard, 3472011345, Seller Supreme LLC, 1090 Coney Island Ave., Brooklyn, NY,

11230. No adult signature was obtained upon delivery from the person receiving the package, as required by federal law.

14. Annexed as **Exhibit C** is a true and correct copy of documents related to this purchase, including a photo taken of the package received on March 19, 2024 from Seller Supreme LLC.

15. On or about March 24, 2024, I accessed the website address www.wevapeusa.com and purchased one Kiwi Lemon Shake Suorin brand Cube Disposable 1500 puffs for delivery to a Brooklyn, New York address. The total purchase price was \$19.59, paid by credit card: \$2.00 for the device, \$15.99 for shipping and \$1.60 in tax.

16. On March 27, 2024, a package was delivered to the Brooklyn address I specified in the March 24, 2024, order. Instead of the product ordered, the package contained five Strawberry Kiwi Guava flavored Hyde Rebel Pro e-cigarettes, as well as an Airbar e-cigarette labeled “wevapeusa free sample.” The package was delivered by United Parcel Service, with a return address of Marcus Bernard, 3472011345, Seller Supreme LLC, 1090 Coney Island Ave., Brooklyn, NY, 11230. The package was not labelled to indicate that it contained vapor products and was left in the mail area – no adult signature was obtained upon delivery from the person receiving the package, as required by federal law.

17. Annexed as **Exhibit D** is a true and correct copy of documents related to this purchase, including a photo taken of the package received on March 27, 2024 from Seller Supreme LLC.

18. The name of the person to whom these vapor products were delivered by Pioneer Distribution/wevapeusa.com does not appear on a list of licensed or registered agents or vapor

product dealers published by the Department of Taxation and Finance, nor is that person licensed or registered as an agent or dealer under article twenty eight-C of the tax law.


VINCENT J. LESNAK

Dated: New York, New York
May 15, 2024

EXHIBIT A

Online Purchase Report

Visit details

Website: newyorkvapeking.com

Description: Online third-party vendor selling a variety of flavored disposable vape devices.

Order date: 3/11/24

Age of verification required (Yes/No): Yes

Product details

Product(s) purchased

Manufacturer name and address: Shenzhen Daosen Vaping Technology Co., LTD, 501 B1, No. 3, Ligang South Rd., Shajing Street, Baoan District, Shenzhen, China

Brand and model: PUFF XXL 1600

Flavor: Watermelon Candy

Price of product purchased: Vape: \$10.99, Shipping: \$6.64, Total: \$17.63 (A comment on the receipt indicates that the purchase is, "Including \$1.42 in taxes".

Shipping details

Date received: 3/15/24

State received: NY

State of fulfillment: NY

Name and address of fulfillment center: NYVK WHOLESALE, 132 32ND Street, Brooklyn, NY, 11232.

Shipper: USPS

Signature required on delivery (Yes/No): No (package was left in mailbox)

Did the package have the required labeling: No.

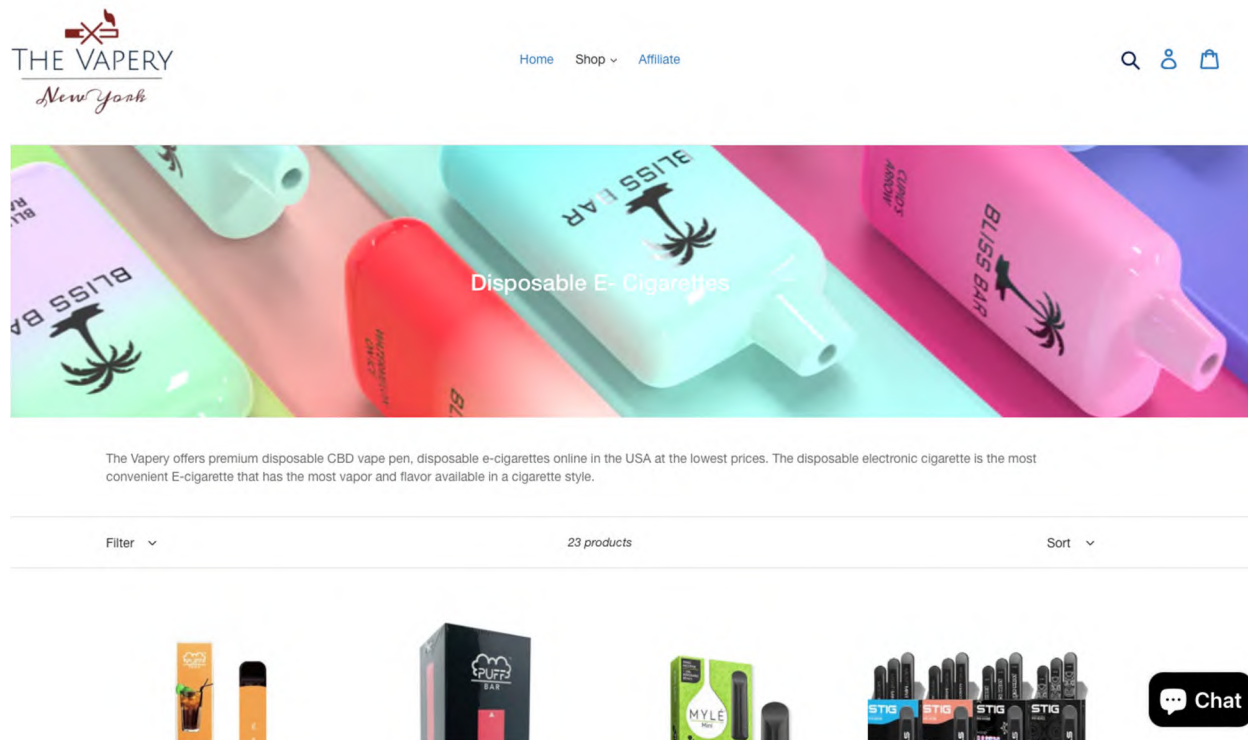
Observations

Commentary: Two products were shipped while only 1 was ordered.

Online Purchase Report

Photos

Image of site homepage:



Online Purchase Report

Image of flavored vape products available:



Puff Bar Plus
\$16.99 **\$9.49 Sale**



Puff Bar- Buy a box of 10 and save
\$29.99 **\$23.80 Sale**



Myle Mini Disposable Pods
(Buy a box of 10 and save)
\$119.90



STIG Disposable (3 pack)
\$29.99 **\$19.99 Sale**



Bliss Bar Disposable Vape
5000 Puffs
\$24.99 **\$16.90 Sale**



MR. Vapor Disposable E-CIG
(Buy a box of 8 and save!)
\$28.00



TWST Disposable (Buy a box
of 10 devices and save)
\$79.99 **\$29.99 Sale**

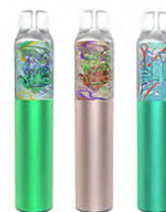


Fume Extra Disposable 10
pack (Buy more and Save)
\$139.99 **\$99.90 Sale**

Online Purchase Report



Juul Pod Menthol

\$19.00 **\$15.99 Sale**PUFF XXL 1600 Puff
Disposable Vape (1 device)\$149.99 **\$10.99 Sale****WHIFF**Whiff Disposable Vape 2000
Puff (Buy a box of 10 and
SAVE)\$149.99 **\$79.99 Sale**Air Bar M-Lux Disposable
2000 Puff Vape (Buy a box of
10 and save)\$140.00 **\$89.90 Sale**Air Bar Max Disposable Vape
(By a box of 10 and save)\$149.99 **\$49.90 Sale**PUFF XXL 1600 Puff
Disposable Vape (Buy a box
of 10 and save)\$149.99 **\$49.99 Sale**Bliss Bar Disposable Vape
5000 Puffs (Buy a box of 10
and save)

\$140.00

Fume ULTRA Disposable 10
pack (Buy more and Save)

\$139.90

\$124.90 Sale

Online Purchase Report



EB Design BC 5000
DISPOSABLE (ELF BAR) 10
PACK

\$149.90

\$104.90 Sale



EB Design BC 5000
DISPOSABLE (ELF BAR) 5
PACK

\$149.90 \$64.90 Sale



Air Bar Nex 6500 Puff
Disposable (10 pack)

\$160.00 \$95.00 Sale



Air Bar Lux Disposable 1000
Puff Vape (Buy a box of 10
and save)

\$140.00 \$28.80 Sale



Foodgod ZERO Disposable
Vape 5 pack (5 devices
included)

\$99.90 \$69.90 Sale



Air Bar Max Disposable Vape
(1 DEVICE)

\$149.99 \$7.99 Sale



Fume Mini Disposable 10
pack (Buy more and Save)

\$139.99 \$54.90 Sale

Age verification during ordering process:

Age Verification

You must be 21 or older to visit this website. Your age will be verified at checkout.

I'm 21 or older >

[Age Verification FAQ](#)

 AgeChecker.Net

Online Purchase Report

Photos of product(s) purchased:



Online Purchase Report

Photos of shipment label and packing slip:



EXHIBIT B

Online Purchase Report

Visit details

Website: newyorkvapeking.com

Description: Online third-party vendor selling a variety of flavored disposable vape devices.

Order date: 3/15/24

Age of verification required (Yes/No): Yes

Product details

Product(s) purchased

Manufacturer name and address: "Made In China"

Brand and model: STIG Disposable (3 pack)

Flavor: Crisp Apple ("Delicious Green Apple")

Price of product purchased: Vape: \$19.99, Shipping: \$6.64, Total: \$26.63

Shipping details

Date received: 3/23/24

State received: NY

State of fulfillment: NY

Name and address of fulfillment center: NYVK WHOLESALE, 132 32ND Street, Brooklyn, NY, 11232.

Shipper: USPS

Signature required on delivery (Yes/No): No (package was left in mailbox)

Did the package have the required labeling: No.

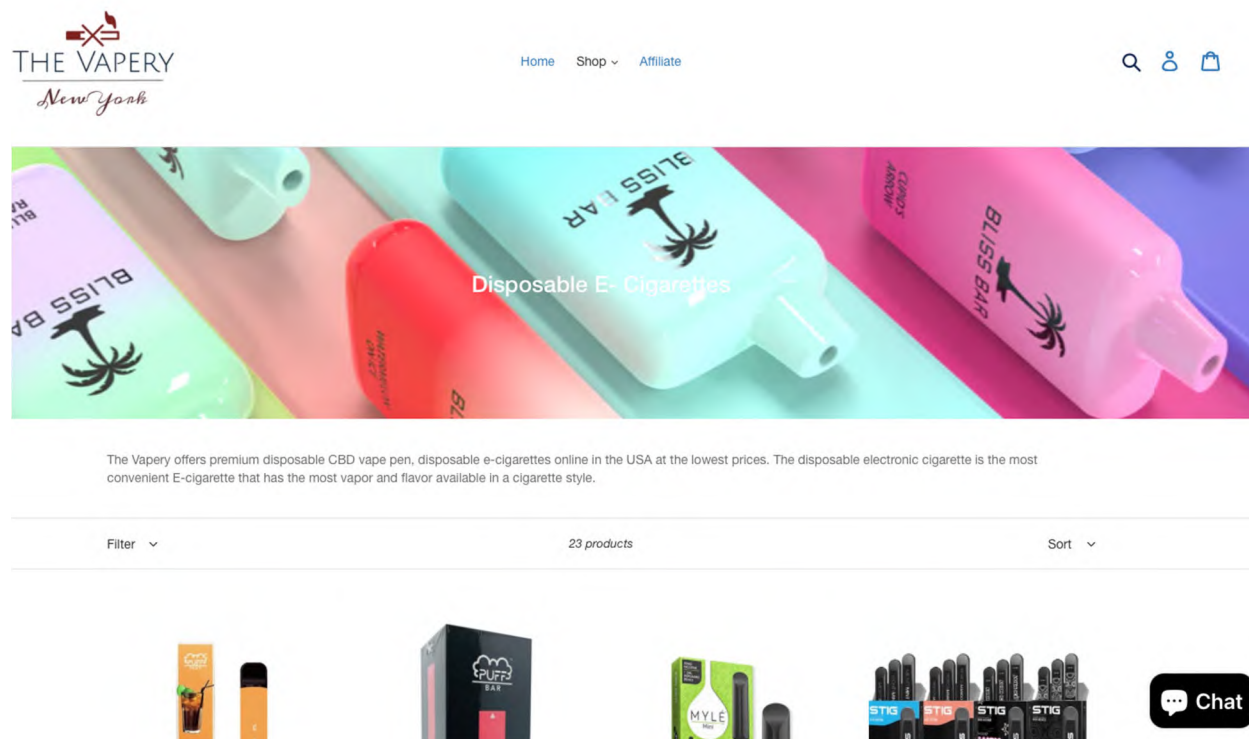
Observations

Commentary:

Online Purchase Report

Photos

Image of site homepage:



Online Purchase Report

Image of flavored vape products available:



Puff Bar Plus
\$16.99 **\$9.49 Sale**



Puff Bar- Buy a box of 10 and save
\$29.99 **\$23.80 Sale**



Myle Mini Disposable Pods
(Buy a box of 10 and save)
\$119.90



STIG Disposable (3 pack)
\$29.99 **\$19.99 Sale**



Bliss Bar Disposable Vape
5000 Puffs
\$24.99 **\$16.90 Sale**



MR. Vapor Disposable E-CIG
(Buy a box of 8 and save!)
\$28.00



TWST Disposable (Buy a box
of 10 devices and save)
\$79.99 **\$29.99 Sale**



Fume Extra Disposable 10
pack (Buy more and Save)
\$139.99 **\$99.90 Sale**

Age verification during ordering process:

Age Verification

You must be 21 or older to visit this website. Your age will be verified at checkout.


[I'm 21 or older >](#)

[Age Verification FAQ](#)

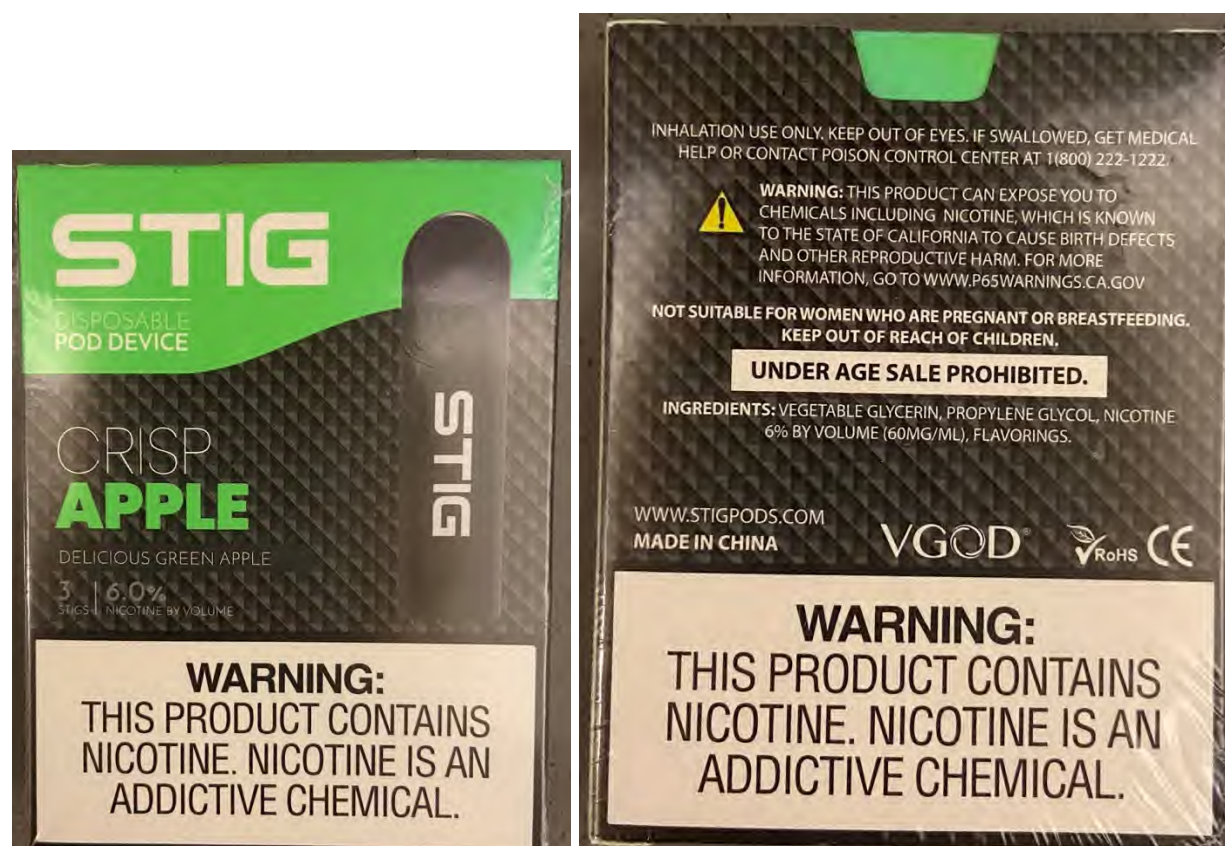
AgeChecker.Net

Online Purchase Report

Image of receipt of purchase:

	STIG Disposable (3 pack) Apple Crisp	\$19.99
Subtotal		\$19.99
Shipping		\$6.64
Total Including \$2.16 in taxes		USD \$26.63

Photos of product(s) purchased:



Online Purchase Report

Photos of shipment label and packing slip:



EXHIBIT C

Online Purchase Report

Visit details:

Website: wevapeusa.com

Description: Online third-party vendor selling a variety of flavored disposable vape devices.

Order date: 3/11/24.

Age of verification required (Yes/No): Yes

Product details

Product(s) purchased:

Manufacturer name and address: Shenzhen Goldreams Technology Co., Ltd., 1201-1208 Chuangyi Building, Northwest of Nanhi Avenue and Shennan Avenue Intersection, Nantou Street, Nanshan District, Shenzhen, China

Brand and model: Air Bar Mini 2000 Puffs

Flavor: Pacific Cooler

Price of product purchased: Vape: \$7.99, Shipping: \$15.99, Tax: \$2.13 Total: \$26.11

Shipping details

Date received: 3/19/24.

State received: NY.

State of fulfillment: NY

Name and address of fulfillment center: Marcus Bernard, 3472011345, Seller Supreme LLC, 1090 Coney Island Ave., Brooklyn, NY, 11230

Shipper: UPS Ground

Signature required on delivery: No (package was left in mailbox)

Did the package have the required labeling: No.

Observations

Commentary: Package indicates: License No.: 7144030066 Shenzhen Youme Information Technology Co., LTD

Online Purchase Report

Photos

Image of site homepage:

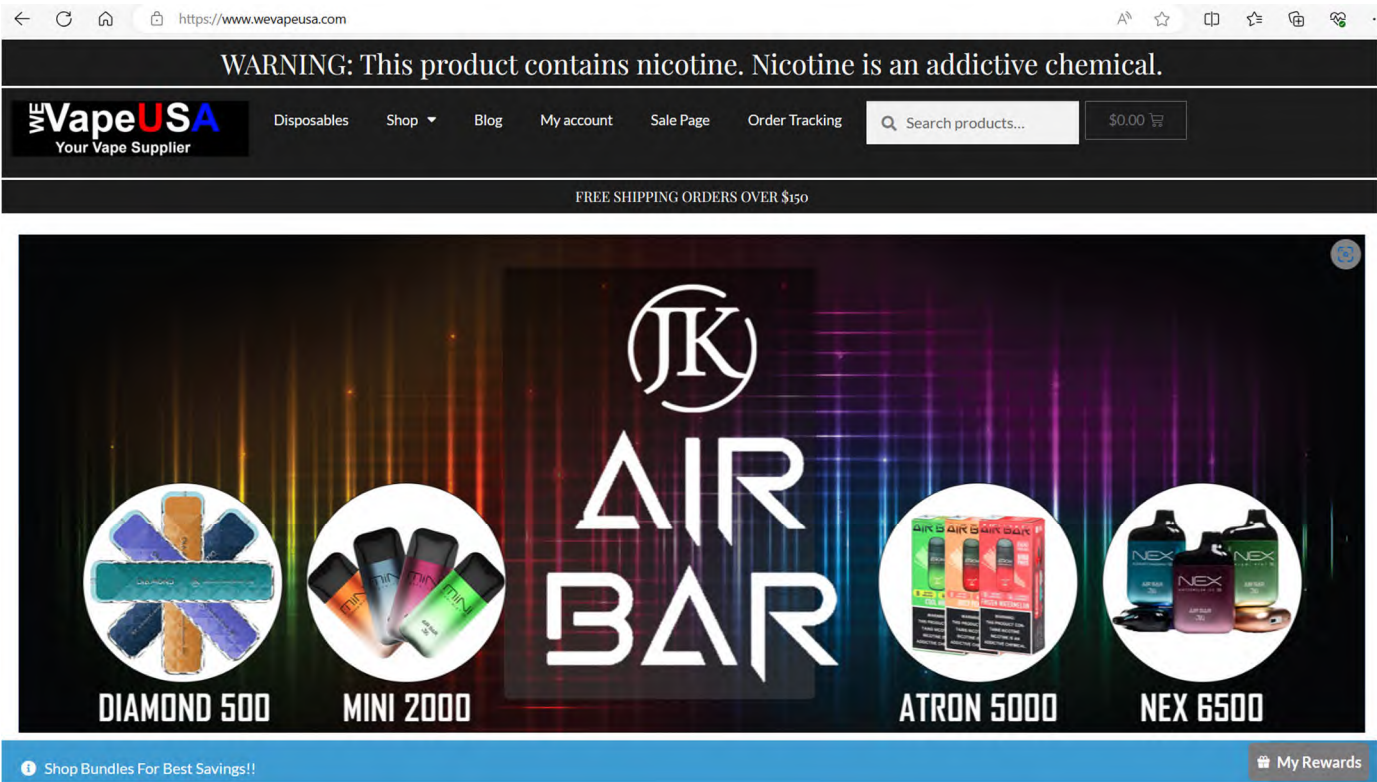



Image of flavored vape products available:



Online Purchase Report


Disposable Vape Brands | Latest Releases



Air Bar AB10000 10,000 Puff Disposable Vape

~~\$19.99~~ \$16.99


Choose Flavor



Viho Turbo 10,000 Puff Disposable Vape

~~\$19.99~~ \$13.99


Choose Flavor



SWFT ICON 7500 Puff Disposable Vape

~~\$19.99~~ \$13.99

Choose Flavor



Tyson Iron Mike 15000 Puff Disposable Vape

~~\$19.99~~ \$14.99

Choose Flavor

Disposable Vape Categories



MINI SIZED VAPE



PLUS SIZED VAPE



BOX MOD DESIGN



RECHARGEABLE DEVICE



ALL DISPOSABLE VAPES



CLEARANCE SALE

Age verification during ordering process: Yes

Age Verification

You must be 21 or older to visit this website. Your age will be verified at checkout.

I'm 21 or older >

[Age Verification FAQ](#)

 AgeChecker.Net

Online Purchase Report

Image of receipt of purchase:

Order #229561 was placed on March 11, 2024 and is currently Completed.

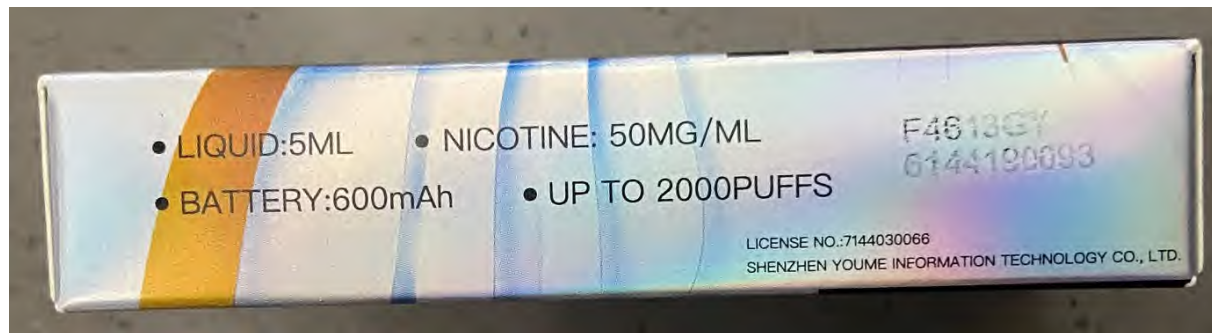
Order details

Product	Total
Air Bar Mini Disposable Vape Device (2000 Puffs) - Pacific Cooler x 1 Flavor: Pacific Cooler	\$7.99
Subtotal:	\$7.99
Shipping:	\$15.99 via Fast Signature Delivery (3-5 Business Days)
Tax:	\$2.13
Payment method:	Debit or Credit Card
Total:	\$26.11

Photos of product(s) purchased:



Online Purchase Report



Photos of shipment label and packing slip:



Online Purchase Report

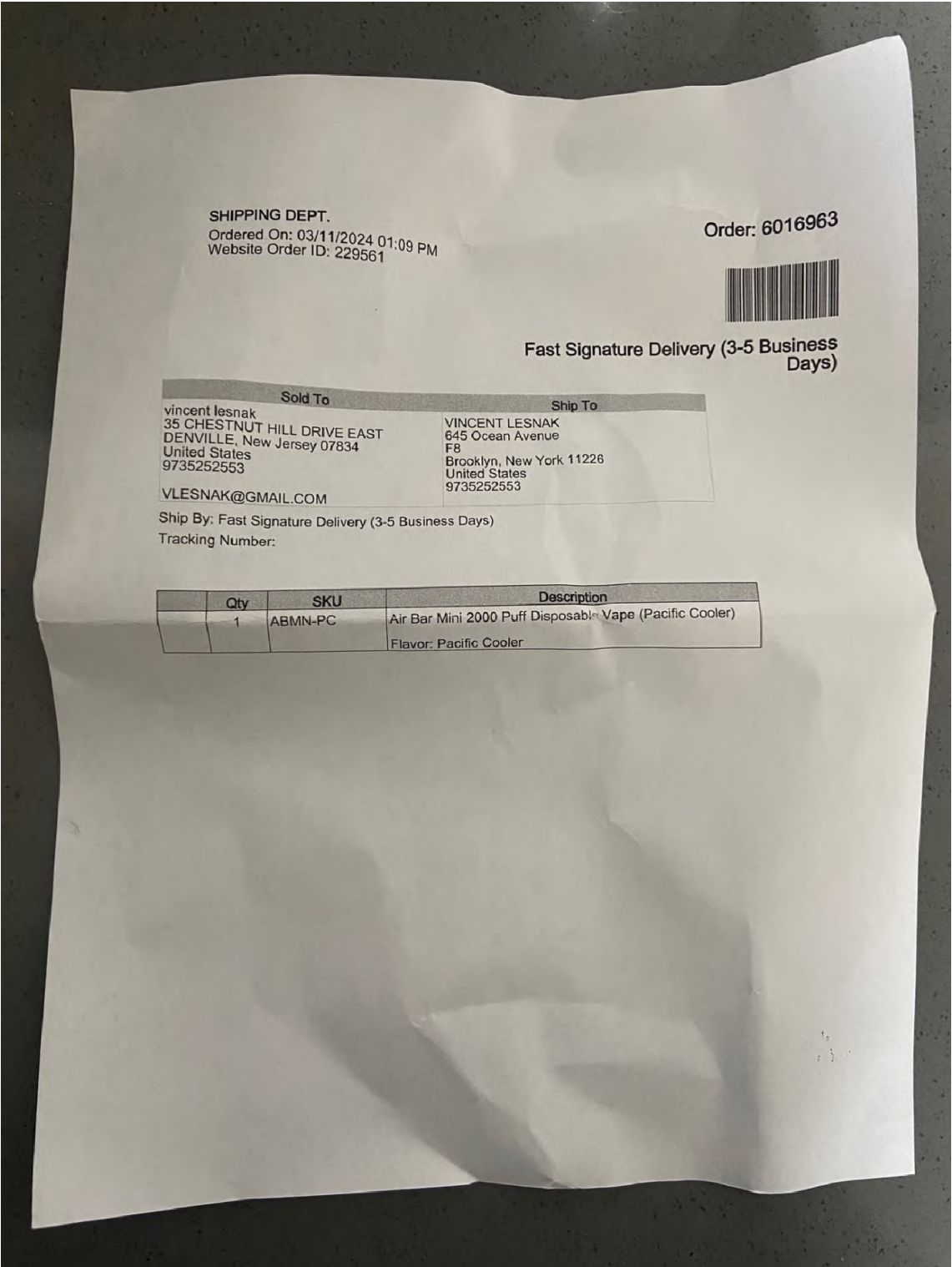


EXHIBIT D

Online Purchase Report

Visit details:

Website: wevapeusa.com

Description: Online third-party vendor selling a variety of flavored disposable vape devices.

Order date: 3/24/24.

Age of verification required (Yes/No): Yes

Product details

Product(s) purchased:

Manufacturer name and address: Shenzhen Noriyang Technology Co., Ltd.

402, Building C, Sijixingcheng, No. 161 Zhenming Road, Gongming Community, Gongming Street, Guangming District, Shenzhen, China

Brand and model ordered was one (1) Suorin Cube Disposable

Flavor: The flavor ordered was Kiwi Lemon Shake

The product received was five (5) Hyde Rebel Pro plus a free sample of an Air Bar vape.

The flavor received was Strawberry Kiwi Guava

Price of product purchased: Vape: \$2.00, Shipping: \$15.99, Tax: \$1.60 Total: \$19.59

Shipping details

Date received: 3//27/24.

State received: NY.

State of fulfillment: NY

Name and address of fulfillment center: Marcus Bernard, 3472011345, Seller Supreme LLC, 1090 Coney Island Ave., Brooklyn, NY, 11230

Shipper: UPS Ground

Signature required on delivery: No (package was left in mail room)

Did the package have the required labeling: No.

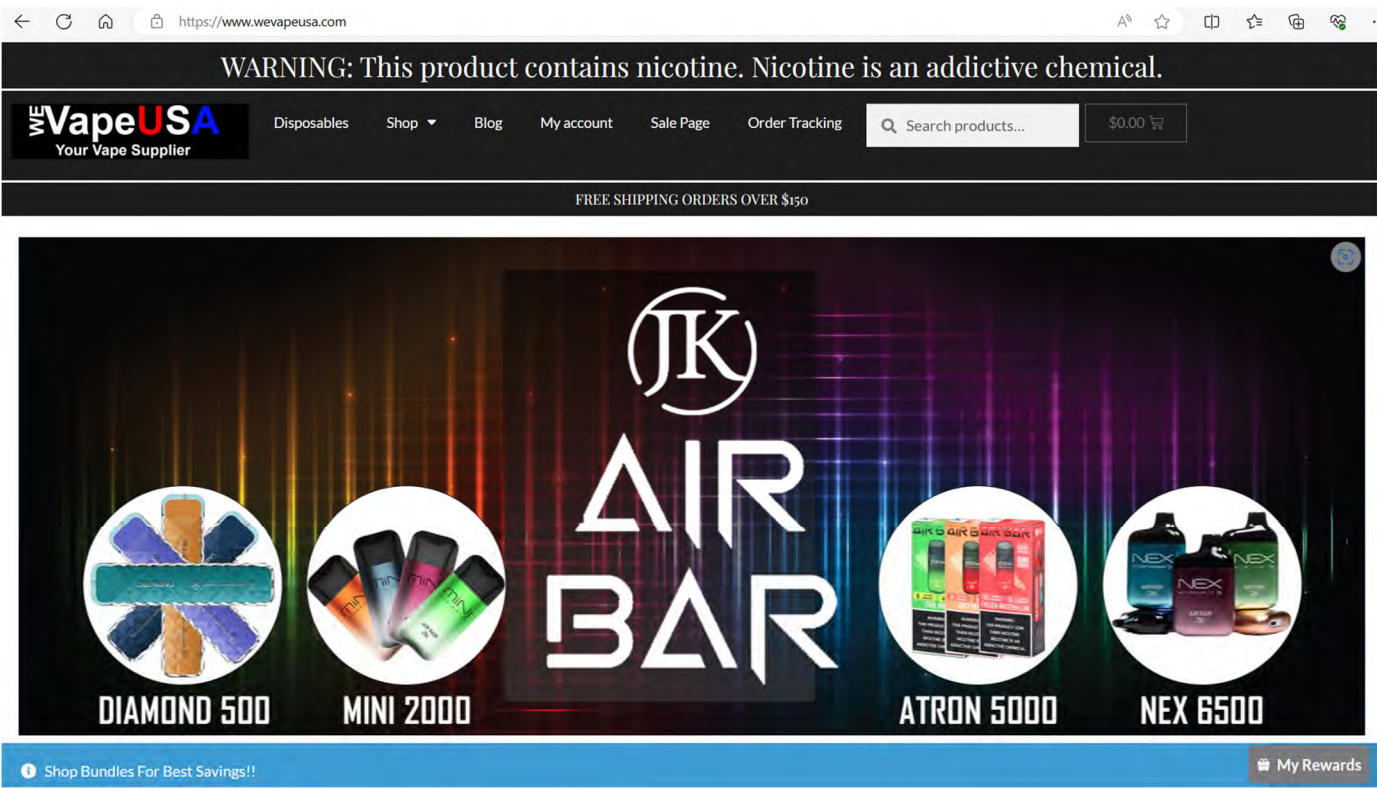
Online Purchase Report

Observations

Commentary: The number and type of product received was not correct.

Photos


Image of site homepage:



Online Purchase Report

Image of flavored vape products available:


Disposable Vape Brands | Latest Releases



Tyson Iron Mike 15000 Puff Disposable Vape

~~\$19.99~~ \$14.99


Choose Flavor



Off Stamp SW9000 Rechargeable Disposable Vape

\$8.99 – \$12.99


Choose Flavor



Priv Bar Turbo 15000 Puffs Disposable Vape

~~\$19.99~~ \$13.49

Choose Flavor




E.B. CREATE BC5000 Thermal Edition Disposable Vape Device (5000 Puff)

~~\$24.99~~ \$11.99

Choose Flavor


Disposable Vape Brands | Latest Releases



Air Bar AB10000 10,000 Puff Disposable Vape

~~\$19.99~~ \$16.99


Choose Flavor



Viho Turbo 10,000 Puff Disposable Vape

~~\$19.99~~ \$13.99


Choose Flavor



SWFT ICON 7500 Puff Disposable Vape

~~\$19.99~~ \$13.99

Choose Flavor



Tyson Iron Mike 15000 Puff Disposable Vape

~~\$19.99~~ \$14.99

Choose Flavor

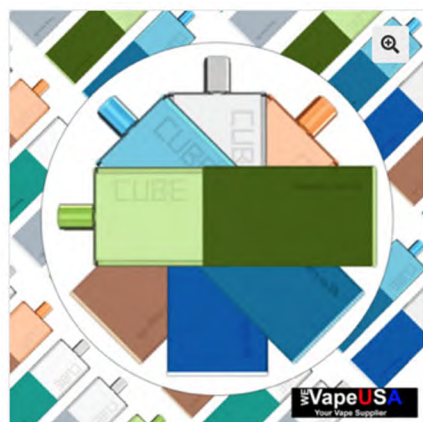
Online Purchase Report

Disposable Vape Categories



MINI SIZED VAPE PLUS SIZED VAPE BOX MOD DESIGN RECHARGEABLE DEVICE

ALL DISPOSABLE VAPES CLEARANCE SALE





Suorin Cube Disposable Vape Device (1500 Puffs)

☆☆☆☆☆ (4 CUSTOMER REVIEWS)

\$14.99 \$2.00

Earn up to 2 points.

Flavor

Kiwi Lemon Shake   Clear

 In stock

Age verification during ordering process: Yes

Age Verification

You must be 21 or older to visit this website. Your age will be verified at checkout.

[I'm 21 or older >](#)

[Age Verification FAQ](#)

 AgeChecker.Net

Online Purchase Report

Image of receipt of purchase:

Your order

Product	Subtotal
Suorin Cube Disposable Vape Device (1500 Puffs) - Kiwi Lemon Shake × 1	\$2.00
Subtotal	\$2.00
Shipping	<div><div><input type="radio"/> Standard Signature Delivery (7-10 Business Days): \$9.99</div><div><input checked="" type="radio"/> Fast Signature Delivery (3-5 Business Days): \$15.99</div><div><input type="radio"/> Express Signature Delivery (2 Business Day): \$29.99</div></div>
Tax	\$1.60
Total	\$19.59

Online Purchase Report

Photos of product(s) purchased:



Online Purchase Report



Photos of shipment label and packing slip:



Online Purchase Report



Online Purchase Report

